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August 24, 2021

BY ELECTRONIC CASE FILING

The Honorable Pamela K. Chen
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Hernan Lopez and Carlos Martinez*, Case No. 15-cr-252
(Def. Nos. 32 and 33) (PKC)

Dear Judge Chen:

We represent Defendants Hernan Lopez and Carlos Martinez in the above-captioned case, pending before Your Honor. Through this letter, Mr. Lopez and Mr. Martinez move for an Order allowing them to file a reply in support of their Application for Pre-Trial Subpoena Pursuant to Fed. R. Crim. P. 17 and Letter Rogatory (ECF 1599) (the “Application”), no later than September 1, 2021. The reasons for this request are as follows.

On August 17, 2021, Mr. Lopez and Mr. Martinez filed their Application. *See* ECF 1599. On August 20, 2021, the Court entered an Order granting the Application. *See* Aug. 20, 2021 2:50 p.m. ET Order. Following receipt of an email from the government requesting the opportunity to file an opposition to the Application, the Court entered a second Order, stating: “The Government having communicated to the Court’s deputy and defense that it wishes to respond to defendants’ [1599] Rule 17(c) subpoena and letter rogatory request, the Court directs defendants not to serve either the issued subpoena or the issued letter rogatory pending the resolution of the motion. The government is directed to respond to the request by 8/27/2021.” *See* Aug. 20, 2021 5:28 p.m. ET Order.

In its August 20, 2021 email request, the government cited to Local Criminal Rule 49.1(b), which provides for the filing of “opposing papers.” Local Criminal Rule 49.1(c) provides that “reply papers shall be filed and served within seven (7) days after service of the opposing papers.” *See* Local Crim. R. 49.1(c). In light of the Government’s request, Mr. Lopez and Mr. Martinez respectfully request the Court’s leave to file a reply in support of their Application so that they are

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afforded an opportunity to address any arguments presented in the government's opposition. Mr. Martinez and Mr. Lopez will file their reply no later than September 1, 2021, and will be prepared to argue the motion, if necessary, during the time set-aside for oral argument on September 17, 2021.

Wherefore, for the reasons cited herein, it is respectfully requested that the Court grant this request and issue an Order allowing Mr. Lopez and Mr. Martinez to file a reply in support of their Application no later than September 1, 2021.

Respectfully submitted,

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cc: Counsel of record (by e-mail)